

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN**

In Re:

TIMOTHY H. GENS,

Case No. 17-27144

Debtor.

**DEBTOR'S OBJECTION TO
MOTION FOR RELIEF FROM AUTOMATIC STAY**

Timothy H. Gens, the debtor herein, (the "Debtor"), by his attorneys, Krekeler Strother, S.C. as and for his Objection to the Motion for Relief from Stay of Doris Kaelin (the "Movant"), Chapter 7 Trustee of the Bankruptcy Estate of Laura A. Gens, pending the U.S. Bankruptcy Court, Northern District of California, Case No. 15-53562, hereby states as follows:

1. The Debtor is the sole proprietor of The Technology Law Group and operates the business out of the property located at 4141 Old Trace Road, Palo Alto, California ("Old Trace Road").
2. The Debtor owns, as his individual property, several items of business equipment identified in the Attachment to Schedule B filed by Debtor on July 24, 2017 (the "Business Property"). *See Docket Entry No. 8, Page 9.*
3. The Business Property is property of the Debtor's bankruptcy estate and is necessary for an effective reorganization.
4. Annulment is a drastic remedy, the granting of which requires a showing of extraordinary circumstances. No such extraordinary circumstances exist as to annul the stay. Even in the event that the Movant is entitled to relief from the stay as to Old Trace Road, the Movant is not entitled to relief from the automatic stay as to any of the Business Property or any of the Debtor's other individual property, as the Debtor's individual property is not subject to the control of the Movant, but is subject to the automatic stay, which the Movant has violated.

Drafted by:
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5. This Court should deny the Motion as there is no need for relief from the stay as to property which is NOT the individual property of the Debtor. However, this Court should deny the Motion as to any individual property of the Debtor, for the reasons set forth above, and because the Movant has intentionally violated the stay.

6. The Debtor's deadline to file complete schedules and statements has not yet expired and the Debtor still has an opportunity to do so in this pending Chapter 13 Case.

7. The Debtor reserves all his rights and remedies with respect to his intention to file a motion for entry of an order finding the Movant in contempt for violating the automatic stay.

WHEREFORE, for the reasons set forth above, Timothy H. Gens respectfully requests that this Court deny the Movant's Motion for Relief from Stay, and grant such other and further relief as is just and equitable.

Dated: July 31, 2017.

KREKELER STROTHER, S.C.

By: _____


Eliza M. Reyes, SB #1030764

Attorneys for Debtor, Timothy H. Gens

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

In Re: TIMOTHY H. GENS,

Case No. 17-27144-13-beh

Debtor.

AFFIDAVIT OF MAILING

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

The undersigned, being first duly sworn on oath, deposes and says that on July 31, 2017, the undersigned electronically efiled and served via ECF a copy of the Debtor's Objection to the Motion for Relief from Automatic Stay of Doris Kaelin to:

United States Bankruptcy Court
Eastern District of Wisconsin
517 E. Wisconsin Ave.
Milwaukee, WI 53202

Office of the U.S. Trustee
Eastern District of Wisconsin
517 E. Wisconsin Ave. #430
Milwaukee, WI 53202

Claire Ann Resop
Steinhilber Swanson LLP
122 West Washington Avenue
Suite 850
Madison, WI 53703

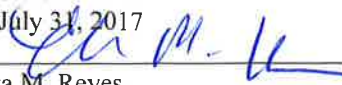
Doris Kaelin, Trustee
P.O. Box 1582
Santa Cruz, CA 95061

The undersigned, being first duly sworn on oath, deposes and says that on July 31, 2017, the undersigned emailed, and properly enclosed in a postpaid envelope, a copy of the Debtor's Objection to the Motion for Relief from Automatic Stay of Doris Kaelin to:

Timothy H. Gens
N 2403 Cisco
Lake Geneva, WI 53147
Via Email

By:

Cheryl Watson

Subscribed and sworn to before me
On July 31, 2017
by: 
Eliza M. Reyes,
Notary Public, State of Wisconsin
My Commission is permanent.

